

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
September 7-11, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
9-8	OPP	95,031	Beiersdorf Aktiengesellschaft v. Southwest Technologies, Inc.	Simms (D) Hanak* Walters	2(d); res judicata (asserted by opposer)	Opposition Sustained [on 2(d) ground only]	"ELASTOPLAST" [bandages and athletic tape] and "ELASTOMULL" [bandages]	"ELASTO-GEL" (and design) [cast and splint pads, wound dressings; medical cushions and pads, namely, hospital bed pads, wheelchair cushions, and therapeutic belts, pads and wraps]			No
9-8	EX	74/613,183	International Data Group, Inc.	Cissel* Seeherman Walters	2(e)(1)	Refusal Affirmed		"WEB BUSINESS" [arranging and conducting tradeshow, exhibitions, and expositions dealing with products and strategies on electronic networks]		Fisher	No
9-9	EX	74/707,092	Garment Group of California	Cissel* Hanak Quinn	2(d)	Refusal Affirmed (as to each of the three cited registrations)		"GIORGIO BELLINI" [garments, namely, men's socks]	"BELLINI" [women's footwear]; "BELLINI KIDS" [children's footwear]; "BELLINI" (and design) [women's non-athletic leather and leather-like shoes and espadrilles]	Carruthers	No
9-9	EX	74/672,187	Matsushita Electric Corp. of America	Cissel* Hanak Hohein	2(e)(1)	Refusal Reversed		"SMART CART" [robotic multiple cartridge retrieval system comprising record/play transports for either audio/video or data storage and access to audio, video and data information]		Le	No

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(2) *=Opinion Writer; (D)=Dissenting Panel Member

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9-9	OPP	103,022	Americar Rental System, Inc. v. North American Warranty Service, Inc.	Cissel* Quinn Hohein	2(d)	Opposition Dismissed	"AMERICAR" [valet airport parking services and automobile cleaning services, automobile renting and leasing services and limousine services, and automobile dealership services]	"AMERICARE" [providing extended automotive warranties]			No
9-9	EX	75/059,887	Paris Seagul (Far East) Ltd.	Cissel* Hohein Walters	2(d)	Refusal Affirmed		"RIVA" [clothing, namely, women's shirts, jackets, pants, blazers, shorts, t-shirts and underwear]	"RIVA" [footwear]	Lavine	No
9-9	EX	74/581,437	Panavise Products, Inc.	Hohein* Hairston Walters	2(e)(1)	Refusal Affirmed		"INDASH" [cellular telephone mounts]		Smiga	No
9-10	EX	74/724,879	America Online, Inc.	Seeherman Hohein* Walters	whether the mark applicant seeks to register is used as a trademark for the goods identified in its application [mutilation]; whether applicant's mark is used as part of the title of a single creative work	Refusal Affirmed		"AOL" [publications, namely, books and pamphlets dealing with the subject of computer services and computer networks]		Stine	No

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9-10	EX	74/731,211	Fisheye, Inc.	Hairston Walters Chapman*	Sec. 6 disclaimer requirement (of word "FISHEYE")	Refusal Affirmed		"FISHEYE" (and fish design) [underwater video cameras]		Goodman	No
9-10	EX	74/677,288	FMC Corp.	Hanak Hohein Walters*	2(d)	Refusal Affirmed		"ALSTAR" (and design) [traps, namely, bait stations containing an oxidative phosphorylation uncoupler for attracting and killing ants]	"ALL STAR" [pesticides, namely, bug and ant killing compositions for institutional and industrial use]; "ALLSTAR" (and design) [janitorial preparations for institutional and industrial use, namely, pesticides]	Striegel	No
9-10	EX	74/490,595	Timothy J. Sheehan	Cissel* Seeherman Walters	2(e)(3)	Refusal Reversed		"CUBITA" [coffee]		Reihner	No
9-11	OPP	96,404	The Goodyear Tire and Rubber Co. v. Interco Tire Corp.	Cissel Hanak Hohein*	de jure functionality; acquired distinctiveness [under Sec. 2(f)]	Opposition Sustained (but only on the grounds of lack of acquired distinctiveness)		configuration of the tread design of a tire asserted as a trademark for applicant's tires			No

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9-11	EX	75/050,185	Circuit City Stores West Coast, Inc.	Sams Cissel Hairston*	2(e)(1)	Refusal Reversed		"APPLIANCE STATION" [retail stores featuring computer hardware, computer software, camcorders, compact discs featuring music, telephones, cellular telephones, satellite receiving equipment, facsimile machines, appliances, housewares and toys utilizing a computerized ordering and information system]		Case	No
9-11	EX	74/553,068	General Electric Capital Assurance Co.	Simms Cissel* Hairston	2(d)	Refusal Affirmed		"SOLUTION" [underwriting annuities]	"THE SOLUTION," "THE CHARITABLE SOLUTION," "SOLUTION VI" (in stylized lettering), and "THE SOLUTION FAMILY" (in stylized lettering) [all four marks registered for "life insurance underwriting services"]	Bullock	No
9-11	EX	75/048,254	Richard Labrie	Simms Hairston Walters*	2(d)	Refusal Affirmed		"EAGLE INNOVATIONS" (and eagle design) [fishing tackle bags]	"EAGLE CLAW HOOKS" (and eagle design) [fishing hooks]; "EAGLE CLAW HOOKS" (in stylized lettering) [fish hooks and artificial fish lures]	Lobo	No

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